

Exhibit A



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SK HYNIX, INC.

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

NETLIST, INC.,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO.,
LTD. *et al.*,

Defendants.

**NON-PARTY SK HYNIX, INC.'S
RESPONSES AND OBJECTIONS
TO DEFENDANT SAMSUNG'S
SUBPOENA TO PRODUCE
DOCUMENTS, INFORMATION,
OR OBJECTS OR TO PERMIT
INSPECTION OF PREMISES IN A
CIVIL ACTION**

(Civil Case No. 2:22cv00293-JRG)

1 information or documents maintained in its possession, custody, or control in locations
2 where such information or documents are most likely to be found.

3 3. SK Hynix objects to the Requests to the extent that they seek information
4 where the burden or expense of discovery outweighs its likely benefit, given the needs of
5 the case, the amount in controversy, the parties' resources, the importance of issues at stake
6 in the litigation, and the importance of the proposed discovery in resolving the issues.

7 4. SK Hynix objects to the Requests to the extent that they seek information that
8 is either already in the possession of the parties to this case or available through public
9 sources or records.

10 5. SK Hynix objects to the Requests to the extent they seek confidential
11 information, the disclosure of which is restricted or prohibited by agreements including but
12 not limited to the Strategic Product Supply and License Agreement between SK Hynix and
13 Netlist executed on April 5, 2021 and the Product Purchase and Supply Agreement between
14 SK Hynix and Netlist executed on April 5, 2021.

15 6. SK Hynix objects to the Requests to the extent they seek disclosure of material
16 protected by any privilege recognized under the Federal Rules of Civil Procedure, Federal
17 Rules of Evidence, and all applicable common law, including the attorney-client privilege
18 and the attorney work product privilege. No such documents will be produced.
19

20 **SPECIFIC OBJECTIONS AND RESPONSES TO SUBPOENA TO PRODUCE**
21 **DOCUMENTS**

22 **REQUEST FOR PRODUCTION NO. 1:**

23 All Documents and Things related to proposed, contemplated, or executed licenses,
24 settlements, or other agreements relating to Netlist, Inc. ("Netlist") or related entities,
25 including Documents relating to negotiations, discussions, or other communications
26 concerning any such licenses, settlements, or agreements. This includes but is not limited
27 to Documents and Things related to the Strategic Product Supply and License Agreement
28

1 shared between SK hynix and Netlist.

2
3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 2:**

4 SK Hynix incorporates its General Objections into its Response to this Request as
5 if fully set forth herein. SK Hynix further objects to this Request as overbroad,
6 disproportionate, and unduly burdensome to the extent that it seeks documents unrelated
7 to the subject matter of this case as well as to the extent that it seeks documents that are
8 equally available from a party to this case or publicly available. SK Hynix further objects
9 to this request to the extent it seeks confidential or proprietary information. SK Hynix
10 further objects to this request to the extent it seeks documents over which SK Hynix does
11 not have legal control.

12 Subject to and without waiving the foregoing general and specific objections, SK
13 Hynix states that it does not have any responsive, non-privileged documents in its
14 possession, custody, or control.

15
16 **REQUEST FOR PRODUCTION NO. 3:**

17 All Documents and Things showing any effort by Netlist to require marking,
18 enforce marking, or determine whether You have marked any products with any of the
19 patent numbers or other marks for the Asserted Patents or Related Patents.

20
21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 3:**

22 SK Hynix incorporates its General Objections into its Response to this Request as
23 if fully set forth herein. SK Hynix further objects to this Request as overbroad,
24 disproportionate, and unduly burdensome to the extent that it seeks documents unrelated
25 to the subject matter of this case as well as to the extent that it seeks documents that are
26 equally available from a party to this case or publicly available. SK Hynix further objects
27 to this request to the extent it seeks confidential or proprietary information. SK Hynix
28 further objects to this request to the extent it seeks documents over which SK Hynix does

1 not have legal control.

2 Subject to and without waiving the foregoing general and specific objections, SK
3 Hynix states that it does not have any responsive, non-privileged documents in its
4 possession, custody, or control.

5
6 **REQUEST FOR PRODUCTION NO. 4:**

7 All Documents and Things sufficient to identify the model number, date of
8 marking, and manner of marking for any product developed or sold by You and marked
9 with the patent numbers for one or more of the Asserted Patents or Related Patents in any
10 manner compliant with 35 U.S. Code § 287(a).

11
12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 4:**

13 SK Hynix incorporates its General Objections into its Response to this Request as
14 if fully set forth herein. SK Hynix further objects to this Request as overbroad,
15 disproportionate, and unduly burdensome to the extent that it seeks documents unrelated
16 to the subject matter of this case as well as to the extent that it seeks documents that are
17 equally available from a party to this case or publicly available. SK Hynix further objects
18 to this request to the extent it seeks confidential or proprietary information. SK Hynix
19 further objects to this request to the extent it seeks documents over which SK Hynix does
20 not have legal control.

21 Subject to and without waiving the foregoing general and specific objections, SK
22 Hynix states that it does not have any responsive, non-privileged documents in its
23 possession, custody, or control.

24
25 **REQUEST FOR PRODUCTION NO. 5:**

26 All Documents and Things from litigation between Netlist and SK hynix, including
27 but not limited to all pleadings, contentions, written discovery, expert reports, deposition
28 transcripts, hearing transcripts, and documents produced by the parties.

RESPONSE TO REQUEST FOR PRODUCTION NO. 5:

SK Hynix incorporates its General Objections into its Response to this Request as if fully set forth herein. SK Hynix further objects to this Request as overbroad, disproportionate, and unduly burdensome to the extent that it seeks documents unrelated to the subject matter of this case as well as to the extent that it seeks documents that are equally available from a party to this case or publicly available. SK Hynix further objects to this request to the extent it seeks confidential or proprietary information. SK Hynix further objects to this request to the extent it seeks documents over which SK Hynix does not have legal control.

Subject to and without waiving the foregoing general and specific objections, SK Hynix states that it does not have any responsive, non-privileged documents in its possession, custody, or control.

Dated: August 29, 2023.

AGORA LAW GROUP, PLLC

By: /s/ James Y. Kim
JAMES Y. KIM
Attorneys for Non-Party
SK HYNIX, INC.